



U.S. Department of Justice

United States Attorney  
Southern District of New York

LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE

86 Chambers Street  
New York, New York 10007

June 8, 2023

**By ECF**

The Honorable Lorna G. Schofield  
United States District Judge  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

Application GRANTED. The initial pretrial conference in this matter is adjourned to **August 2, 2023, at 4:20 P.M.** The parties shall file their joint letter and proposed case management plan by **July 26, 2023.**

Dated: June 9, 2023

New York, New York

Re: *Ronald Cassell v. United States of America, et al.*,<sup>1</sup> No. 23 Civ. 1583 (LGS)

Dear Judge Schofield:

This Office represents Defendant the United States of America (the “Government”) in the above-referenced action in which Plaintiff advances a claim pursuant to the Federal Tort Claims Act, 28 U.S.C. § 1346 (“FTCA”). On May 30, 2023, the Court issued an Order scheduling an initial pretrial conference for June 28, 2023, and ordering the parties to file a joint status letter and proposed case management plan no later than June 21, 2023. ECF No. 15. With plaintiff’s consent, we respectfully request that the Court adjourn the conference by 30 days, to July 28, 2023, or a date thereafter that is convenient for the Court, and order the parties to file the joint status letter and proposed case management plan no later than one week before the conference. This is the first request for an adjournment of these deadlines.

We submit this request for three reasons. First, the Government was only recently served with the complaint, and the Postal Service requires additional time to review the complaint, gather relevant information, and convey that information to the undersigned. Second, this case has been assigned to a colleague, an incoming Assistant U.S. Attorney named Alex Kristofcak. Mr. Kristofcak is scheduled to join this Office in early July; because he will be lead counsel on this case, it would be helpful if he were present at the initial conference. Third, the Government’s response to the complaint is not due until July 21, 2023 (i.e., 60 days from May 22, 2023, the date this Office was served). I respectfully submit that it would promote judicial economy to schedule the initial conference on or after the date when the Government’s response is due (if, for example, the Government files a pre-motion letter in lieu of an answer).

I thank the Court for its consideration.

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<sup>1</sup> Individuals and federal agencies are not proper defendants under the FTCA. *See Levinson v. United States Federal Bureau of Prisons*, 594 F. Supp. 3d 559, 569 (S.D.N.Y. 2022). The sole proper defendant in an FTCA action is the United States. Therefore, the Court should *sua sponte* dismiss the claims against the United States Postal Service (“USPS”) and the USPS driver, Loucretia Austin.

Respectfully,

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York

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